

Patent Application
Attorney Docket No. PC11816A

REMARKS

Amendments to the Claims

Entry of the above amendments and reconsideration and withdrawal of the rejection of claims 1-5 and 10-11 is respectfully requested.

Claim 1 has been amended by limiting the definition of variable Q to a phenyl group substituted with Z wherein Z is -O(CH₂)₂NR^aR^b; or -(CH₂)₃NR^aR^b and in which NR^aR^b represents an optionally substituted pyrrolidinyl or piperidinyl group. This amendment was made in accord with the restriction requirement and applicants reserve the right to pursue subject matter deleted by this amendment. Support for this amendment is in the specification, particularly at page 6, lines 12-27, page 9, lines 1-8, page 9, line 30 through page 10, line 2, in the examples and in claims 1-4 as originally filed. Claim 1 was also amended by deletion of the term "fully saturated" and addition of the term "(iii) phenyl; isoxazolyl; oxazolyl; thiazolyl; furanyl; Isothiazolyl; thieryl; imidazolyl; pyrazolyl; pyridyl; pyrimidyl or pyrazinyl" to the definition of variable R⁵. The term "fully saturated" was deleted as it was already encompassed by a previous element in the claim. The term "(iii) phenyl; isoxazolyl; oxazolyl; thiazolyl; furanyl; Isothiazolyl; thieryl; imidazolyl; pyrazolyl; pyridyl; pyrimidyl or pyrazinyl" was added to R⁵. Support for this amendment is in the specification at page 7, lines 1-15 and in claim 2 as originally filed, for example. The term "from" was deleted from certain elements in claim 1 as it was superfluous and in certain elements "and" and "or" were exchanged in order to recite proper Markush or grouping language.

Claim 2 has been amended by deletion of the definition of the variable Q as it is no longer necessary in view of the amendment to claim 1. Also, in claim 2 the variable Z was amended in accord with the restriction requirement wherein Z is -O(CH₂)₂NR^aR^b; or -(CH₂)₃NR^aR^b and in which NR^aR^b represents an optionally substituted pyrrolidinyl or piperidinyl group. Support for this amendment is in the specification, particularly at page 6, lines 12-27, page 9, lines 1-8, page 9, line 30 through page 10, line 2, in the examples and in the claims 1-4 as originally filed. The term "from" was deleted from certain elements in claim 2 as it was superfluous and in certain elements "and" and "or" were exchanged in order to recite proper Markush or grouping language.

Claims 3 and 4 were each amended by deletion of the definition of variable Q as it was no longer required in view of the amendment to claim 1. Also, in claims 2 and 3, the variable Z was amended in accord with the restriction requirement wherein Z is -O(CH₂)₂NR^aR^b; or -(CH₂)₃NR^aR^b and in which NR^aR^b represents an optionally substituted pyrrolidinyl or piperidinyl group. Support for these amendments are in the specification, particularly at page 6, lines 12-27, page 9, lines 1-8, page 9, line 30 through page 10, line 2, in the

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examples and in the claims 1-4 as originally filed. Claim 5 was amended by deletion of the tenth species recited in that claim. Claim 15 was amended by changing the term "claim 8" to "claim 11" to properly refer to the claim that provides the pharmaceutical compositions.

Applicants submit that these amendments are fully supported in the specification and claims as originally filed and no new matter has been added by these amendments.

The 35 U.S.C. § 102(b) Rejection

Claims 1-4 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bowman et al.; Tetrahedron Letters, 29(50), 6657 (1988) (hereinafter Bowman); claims 1, 4, 10 and 11 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO 94/20467 to Van Der Saal et al. (hereinafter Van Der Saal); claims 1 and 10 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by EP 0585500 to Van Hjfte et al. (hereinafter Van Hjfte); Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 04-145067 to Ishikawa et al. (hereinafter Ishikawa) and claims 1 has been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Linfield et al.; J. Med. Chem., 26(12), 1741-1746, (1983) (hereinafter Linfield). Applicants respectfully request the Examiner to reconsider claims 1-4 and 10-11, as amended. Applicants submit that claims 1-4 and 10-11, as amended, are not anticipated by Bowman, Van Der Saal, Van Hjfte, Ishikawa or Linfield.

Bowman

The Examiner has alleged that Bowman teaches compounds such as N-(2-iodophenyl)-3-phenyl-N-(phenylmethyl)-2-propenamide, thereby anticipating claims 1-4. Claims 1-4, as amended, require that the variable Q in formula I is a phenyl that is substituted with group Z wherein Z is -O(CH₂)_n-NR^aR^b or -(CH₂)_n-NR^aR^b and NR^aR^b is an optionally substituted pyrrolidinyl or piperidinyl group. Bowman does not disclose or suggest any compounds that have a phenyl substituted with an alkyl or alkoxy group further substituted with a pyrrolidinyl or piperidinyl moiety as in the instant amended claims. For this reason, applicants submit that Bowman does not anticipate claims 1-4, as amended.

Van Der Saal

The Examiner has alleged that Van Der Saal discloses the compounds N-benzyl-N-[3-[2-(pyridine-4-ylamino)-ethoxy]phenyl]-benzenesulfonamide; N-benzyl-N-[3-[2-(pyridine-4-ylamino)-ethoxy] 5-chlorophenyl]-benzenesulfonamide and N-benzyl-N-[3-[2-(pyridine-4-

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ylamino)-ethoxy] 5-methylphenyl]-benzenesulfonamide (Examples 15, 88 and 91 therein), thereby anticipating claims 1, 4 and 10-11. Instant claims 1, 4 and 10-11, as amended, require that the variable Q in formula I is a phenyl that is substituted with group Z wherein Z is -O(CH₂)_n-NR^aR^b or -(CH₂)_n-NR^aR^b and NR^aR^b is an optionally substituted pyrrolidinyl or piperidinyl group. The recited species and Van Der Saal in general does not disclose or suggest any compounds that have a phenyl substituted with an alkyl or alkoxy group further substituted with a pyrrolidinyl or piperidinyl moiety as in the instant amended claims. For this reason, applicants submit that Van Der Saal does not anticipate claims 1, 4 and 10-11, as amended.

Van Hijfte

The Examiner has alleged that Van Hijfte discloses the compound N-4-dimethylaminophenyl-N-benzyl-4-methyl-1-piperazineacetamide (Example 53 therein), thereby anticipating claims 1 and 10. Instant claims 1 and 10, as amended, require that the variable Q in formula I is a phenyl that is substituted with group Z wherein Z is -O(CH₂)_n-NR^aR^b or -(CH₂)_n-NR^aR^b and NR^aR^b is an optionally substituted pyrrolidinyl or piperidinyl group. The recited species and Van Hijfte in general does not disclose or suggest any compounds that have a phenyl substituted with an alkyl or alkoxy group further substituted with a pyrrolidinyl or piperidinyl moiety as in the instant amended claims. For this reason, applicants submit that Van Hijfte does not anticipate claims 1 and 10, as amended.

Ishikawa

The Examiner has stated that Ishikawa discloses the compound N-(2-chlorophenyl)-N-(phenylmethyl)-1H-imidazole-1-acetamide (compound 8 therein) and compounds 1-16 at column 1 and 2 therein, thereby anticipating claims 1 and 2. Instant claims 1 and 2, as amended, require that the variable Q in formula I is a phenyl that is substituted with group Z wherein Z is -O(CH₂)_n-NR^aR^b or -(CH₂)_n-NR^aR^b and NR^aR^b is an optionally substituted pyrrolidinyl or piperidinyl group. The recited species and Ishikawa in general does not disclose or suggest any compounds that have a phenyl substituted with an alkyl or alkoxy group further substituted with a pyrrolidinyl or piperidinyl moiety as in the instant amended claims. For this reason, applicants submit that Ishikawa does not anticipate claims 1 and 2, as amended.

Linfield

The Examiner has alleged that Linfield discloses the compounds of Table IV, compound 105 therein, thereby anticipating claim 1. Instant claim 1, as amended, requires that the

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variable Q in formula I is a phenyl that is substituted with group Z wherein Z is $-O(CH_2)_n-NR^aR^b$ or $-(CH_2)_n-NR^aR^b$ and NR^aR^b is an optionally substituted pyrrolidinyl or piperidinyl group. The recited species and Linfield in general does not disclose or suggest any compounds that have a phenyl substituted with an alkyl or alkoxy group further substituted with a pyrrolidinyl or piperidinyl moiety as in the instant amended claims. For this reason, applicants submit that Linfield does not anticipate claim 1, as amended.

Applicants respectfully request that the Examiner reconsider claims 1-4 and 10-11 as amended and withdraw the 35 U.S.C. § 102(b) rejection of claims 1-4 and 10-11 for the reasons stated above.

The 35 U.S.C. § 112, 2nd Paragraph Rejection

Claims 2-5 been rejected under 35 U.S.C. § 112, 2nd paragraph as allegedly not particularly pointing out and distinctly claiming the subject matter that the applicants regard as their invention. Particularly, claims 2-5 have been rejected as lacking proper antecedent basis for certain of the limitations in those claims. More particularly, claims 2-4 have been rejected as lacking proper antecedent basis from claim 1 for the term "phenyl" in the definition of the variable M within the terms $-(CH_2)_n-M$; -(ethenyl)-M or -M in the variable R⁵. Claim 5 has been rejected as lacking proper antecedent basis for the tenth species recited therein since that species is a tetrahydroquinoline derivative outside the scope of formula I.

Claim 1 has been amended as described hereinabove in the amendments to the claims section such that phenyl is included within the definition of the variable M within R⁵ in claim 1. Applicants submit that claims 2-5 therefore have proper antecedent basis for M being phenyl in view of claim 1, as amended. Claim 5 has been amended by deletion of species 10 therein, thereby no longer reciting a species that is a tetrahydroquinoline derivative. Applicants submit that claim 5, as amended, has proper antecedent basis for all of the species recited therein as all claimed species are within formula I. For these reasons, applicants respectfully request the Examiner to reconsider claims 2-5, as amended, and withdraw the 35 U.S.C. § 112, 2nd Paragraph Rejection of these claims.

Rejoinder of Claims

Applicants hereby request rejoinder of the method claims 6-9 and 12-15 in accordance with M.P.E.P. §821.04 and *In re Ochiai*, 71 F.3d 1565, 37 USPQ 1127 (Fed. Cir. 1995). Applicants submit that rejoinder of the method of treatment claims does not place an undue burden on the Examiner since the corresponding compounds and compositions are

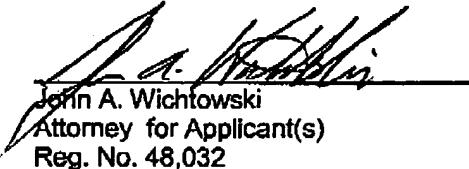
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being presently examined and the method claims relate to the use of these compounds and/or compositions.

Applicants, having addressed all points and concerns raised by the Examiner, believe that the application, as amended, is in condition for allowance.

Respectfully submitted,

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